

FILED

WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY DEPUTY CLERK

Affidavit of Fact

Madinah Anthony-El

Claimant In Propria Person, Constitutional Natural Person,
Living Soul, the Authorize Representative, and the Administrator
, Non-Collective Entity, **Living Bloodline Beneficiary to the Land Estate**
Of America by HERITAGE and PRIMOGENITOR STATUS
V.

OMNINET/PARKS AT VENTANA, Pioneer Property
Management, Foreign Corporation, STATE OF TEXAS,
Bexar County Court at Law #3 and #10, Bexar County Constable
Earle Jeffery Wentworth,
Defendants

§ Cause # SA15CA0764FB

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§ Evidence

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§ Bexar County Texas

§ ARTICLE III, JUDICIAL COURT

§ TRIAL BY JURY DEMANDED

AFFIDAVIT OF FACT

MOTION TO VACATE AND VOID JUDGEMENT AGAINST JUDGE JASON WOLFF, BEXAR COUNTY COURT OF TEXAS, FOR LACK OF JURISDICTION

A void judgment is one in which the judgment is facially invalid because the court lacked jurisdiction or authority to render the judgment, *State v. Richie*, 20 S.W.3d 624 (Tenn. 2000).

Comes now by Special Appearance Madinah Anthony-El, the living natural woman, hereafter known as Defendant(s) to request to VACATE A VOID JUDGEMENT by **Magistrate/Judge Jason Wolff, hereafter known as "Judge"**, for violating my Constitutional Rights, running a color of law venue and Abusing his office by failing to recognize, Challenge of Jurisdiction, Judicial Notices, Pleadings, Complaints and all other documents letting Judge Jason Wolf know that this matter is in another jurisdiction and the County Court Judge does not have the Authority to bring Judgement on this matter at this time. Judge Wolff, did not care that the case was already moved to Federal Jurisdiction under case # **SA15CA0764FB** and said he had the Jurisdiction and the Authority to make Judgement on the two Federal Cases # **2014CV03554** and # **2015CV03536** that had been already been Removed from Judge Wolff County Court to Federal Court on September 3, 2015 and placed under the above Federal Case # **SA15CA0764FB**. Judge Wolff said he had Jurisdiction regardless of it being removed to Federal Jurisdiction. Judge Wolff did not care to recognize this fact an instead assumed to proceed to adjudicate the case even after the Defendant(s) Objection. Judge Wolff made a Judgement on a case where he had no jurisdiction and had NO AUTHORITY or POWER as the case was active and in Federal Court and Judge Wolff against the law, took the jurisdiction and adjudicate it and made a judgement in his court. The Removal was in the County Courts file and read into record, with interruptions from the "Judge", that the civil cases # 2014CV03554 and # 2015CV03536 have been removed to another jurisdiction and this County Court has no jurisdiction and if it thinks so jurisdiction, has clearly been challenged and stated on the record, for the record and the documents pertaining to and supporting this challenge, including the federal "removal", had been stamped by the Federal Court Clerk as well as the county court clerk. The Documents had timely been filed in Magistrates Jason Wolff's, county courts records,

before the start of the September 18th, 2015 Hearing. Judge Wolff share with actions he did not care what the Federal Court says.

Judge Wolff along with the Opposing Counsel of record, in the County Court ROYLA COX AND LEE STEVESON, all knew very well that the case had been previously removed from County Court to Federal Civil Court filed under civil action # SA15CA0764FB in Western District Court of Texas, San Antonio Division. Again, the Defendant(s) announce this to Judge Wolff, Opposing Counsel, Lee Steveson, and anyone else present to hear in open record and the Defendant(s) had a copy for all parties in present to preview at the start of the September 3rd Hearing. The judge ignored these documents that was for all parties to witness, instead the case was reset because the Judge not only failing to acknowledge the "Removal to Federal Court", showing Federal Jurisdiction, on September the 3rd, 2015, the judge didn't care about the Federal Jurisdiction and proceeded and asked the opposing counsel attorney's why there where two case numbers for the same incident and matter and parties. Attorney Lee Steveson stood mute, and as the Defendant(s) starting speaking about the corruption of the documents, Judge Wolff, didn't want to hear anything until then but still assumed jurisdiction. I objected because the case was in Federal Jurisdiction interrupted me and the said I'll see you on the September 18th, 2015.

On September 18th, 2015, at the start of the Hearing, the Defendant(s) objected to proceed without jurisdiction being proven and the law or contract supporting their claim of jurisdiction for inspection. As the Defendant(s) reiterated, it was their lawful right to remove the case pursuant to Title 28 section 1441-section 1446, (Defendant share with Magistrate Jason Wolff out of respect, he should pay attention to the Federal laws pertaining to Removal. It clearly says "Removal of **"ANY"** civil case, Original and Proper Article III Jurisdiction. In addition Judge Wolf also conspired and allowed the opposing Counsel to Tamper with and falsify Governmental Record, by adding Defendants that were not part of the Original case file in the Justice of the Peace, Precinct 3 Court. This was clearly a colorable Hearing in violation of Title 18, especially Chapter 13, Section 241, Section 242.

On September 18th, 2015, Judge Jason Wolff, ignored and suppressed the defendants challenge and assume the jurisdiction, without allowing the Defendants due process and made a Judgement without having the Authority to do so, even though the Defendants had put a copy of the filings in the courts record on September, 3rd 2015. So Judge Wolff knew the Federal Court had this matter filed in their Court before he took law into his own hands and decided a case and made his Judgement when he was without **jurisdiction and Authority**.

***A void judgment** is one rendered by a court which lacked personal or subject matter jurisdiction or acted in a manner inconsistent with due process. In *re Estate of Wells*, 983 P.2d 279, (Kan. App. 1999).

***Void judgment** is one entered by court without jurisdiction to enter such judgment, *State v. Blankenship*, 675 N.E. 2d 1303, (Ohio App. 9 Dist. 1996).

***Void order** which is one entered by court which lacks jurisdiction over parties or subject matter, or lacks inherent power to enter judgment, or order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that party is properly before court, *People ex rel. Brzica v. Village of Lake Barrington*, 644 N.E.2d 66 (Ill.App. 2 Dist. 1994). A void judgment, insofar as it purports to be pronouncement of court, is an absolute nullity, *Thompson v. Thompson*, 238 S.W.2d 218 (Tex.Civ.App. - Waco 1951).

***A void judgment** is one that has been procured by extrinsic or collateral fraud, or entered by court that did to have jurisdiction over subject matter or the parties, *Rook v. Rook*, 353 S.E. 2d 756, (Va. 1987).

***A void judgment** is a judgment, decree, or order entered by a court which lacks jurisdiction of the parties or of the subject matter, or which lacks the inherent power to make or enter the particular order involved, *State ex rel. Turner v. Briggs*, 971 P.2d 581 (Wash. App. Div. 1999).

***Stump v. Sparkman**, 435 U.S. 356-57. (1978) "A Judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority. He will be subject to liability only when he has acted in the clear absence of all jurisdiction." --- [In a court of record, the judge is the tribunal. The magistrate has no authority to make a decision. *Black's Law Dictionary*, 4th Ed., 425, 426]

***Hopkins v Clemson College**, 221 U.S. 636, 642-43; (1910) *Johnson v Lankford*, 245 U.S. 541, 546 (1917). "But immunity from

suit is a high attribute of sovereignty - a prerogative of the State itself - which cannot be availed of by public agents when sued for their own torts."

"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." *Melo v. US*, 505 F2d 1026, *Joyce v. US*, 474 Fed 215

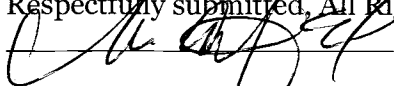
"Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law." *Owen v. Independence*, 100 S.C.T. 1398, 445 US 622

"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings". *Hagans v. Lavine*, 415 U.S. 533

"Where the court is without jurisdiction, it has no authority to do anything other than to dismiss the case." *Fontenot v. State*, 932 S.W. 2d 185 "Judicial action without jurisdiction is void." *Id* (1996)

For the above reasons, Madinah Anthony-El the living Natural person request this honorable court to Void the Judgement made by Judge Jason Wolff on September 18th, 2015 when Judge Jason Wolff was clearly aware for the record and on the record, the case had been removed to Federal, and was in his court clerks files, and that the above two case, same party same incident, same subject matter, same suit was Removed from his venue jurisdiction which practices daily color of law activity, to lawful Constitutional venue. Still after the Defendant(s) "objection", Judge Jason Wolff assumed jurisdiction without authority anyways and made a Judgment on a case he had no Authority or Jurisdiction to do so without fear of repercussion and consequences for his action unlawful actions. Judge Wolff said you have 10 days to put your Appeal Bond up into the court or you must be out of the property by 9-28-15. Defendant moves to have his Judgment "Void". **See exhibits**

Respectfully submitted, All Rights Reserved,

 , Date: 9/21/15

Madinah Anthony-El, In Propria Persona

CERTIFICATE OF SERVICE

I Madinah Anthony-El, the natural living women, do affirm that I will mail by regular first class mail and or hand deliver and fax a true and corrected copy of the foregoing by Friday, September 25th, 2015, upon the following parties listed below Royle M. Cox 228 N.E. Wilshire Blvd., Suite D Burleson, Texas, 76028, Lee Steveson 1100 N.W. Loop 410, Suite 260, San Antonio, Texas 78213, Bexar County Court 100 Dolorosa Suite 104, Civil Central Filings, San Antonio, Texas 78205, Jeff Wentworth Precinct #3 Place #2 8918 Tesoro Drive. Suite 300, San Antonio, Texas 78217 (hand Delivered to the County), Bexar County Constable Offices Precinct #3 Mark S. Vojvodich Constable and Deputies, 8918 Tesoro Drive Suite 301, (Hand Delivered to the County).

Respectfully submitted, All Rights Reserved,

A handwritten signature in black ink, appearing to read 'Madinah Anthony-El', is written in a cursive style.